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REMARKS:

Please review and comment.
From today's paper.

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Cleanup could be delayed at least one year

Asbestos removal halted as Grace keeps feds at bay

By David F. Latham,
editor of The Montanian

Despite pleas for cooperation by county officials and about 90 other community leaders and members, W.R. Grace & Co. continues to keep its newly reacquired mine site and related properties closed to the government, effectively stopping the cleanup of deadly tremolite asbestos near Libby.

Grace says it is concerned about worker safety and alleged chemical contamination of soil that would be returned to the company's property, which was formerly a vermiculite mine.

Meanwhile, many Libby residents want Grace to reopen the site. The Community Advisory Group (CAG) voted unanimously (with 23 members present) at its Sept. 14 meeting to request that Grace cooperate "with all due haste" to give the U.S. Environmental Protection Agency access to Grace property near the Raintree Nursery site, and to Grace's former vermiculite mine site, which the company recently repurchased and then closed.

Also last week, 64 Libby residents signed letters to Grace asking the company to allow the cleanup to continue.

Grace's refusal to cooperate is expected to delay the cleanup until next spring at the earliest, according to the EPA.

Grace contends that the deadly tremolite asbestos waste it left behind after 30 years of mining cannot be returned to its source at the mine because it may be contaminated with horticultural chemicals from Raintree Nursery, which occupied the screening plant site for several years after Grace closed the mine and plant in 1990.

"... there is the question of what, if any, chemicals contaminate the soil the EPA proposes to dump at the former mine site," wrote Alan Stringer, Grace's representative in Libby, in a response Sept. 27 to the CAG. "Since the screening property was a working nursery for the last six years, we assume that some horticultural chemicals were spilled and soaked into the soil. EPA has not told us differently."

But EPA says there is no significant contamination.

"With regard to the horticultural chemicals in the soil at the screening plant [the Raintree Nursery site] and the adjacent properties, EPA is aware of the fertilizer, herbicides, pesticides and all those kinds of things," said Wendy Thomi, EPA's community involvement coordinator, in a verbal response to Stringer's letter at the Sept. 28 CAG meeting.

"As we investigated the site we saw [the chemicals] there. They were containerized, very neatly kept, but we did a detailed interview with the Parkers [owners of Raintree Nursery] to determine what their operations were like and how they used those chemicals," Thomi said.

"Based on that interview, it was determined that they used them in containers on the trees and plants they used them on ... they didn't do any large-scale broadcasting of these chemicals to spill them on the ground or just sort of apply them to the ground, and Paul [Peronard of EPA] didn't think that was an issue ..." Thomi said.

"We were satisfied that it wasn't an issue and Grace has raised the point in this letter. They first raised the point last week to the Department of Justice and [Peronard] says it's the first time he's had this issue raised to him," she said.

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"What EPA will do now is we'll go ahead if Grace wants us to sample for pesticides, we'll sample for pesticides and fertilizers, etcetera, now that they've raised the issue, and we'll also sample for pesticides and fertilizers and that type of thing up at the mine site," Thomi said.

Grace also contends that it will somehow be liable for EPA workers and contractors while they are on Grace's newly acquired property.

"... we must know who is responsible for the safety of the workers that [sic] will be moving the dirt from the old screening plant to the former mine, if access is granted," Stringer wrote.

"We believe that the EPA should take full responsibility for the safety of its contractors, no matter whose property they are on," Stringer wrote.

Thomi said EPA offers the same range of coverage as is offered on any job site.

"EPA takes great measures to protect the workers and we do it through a variety of methods," Thomi said.

"We have bonds, we have very rigorous health and safety standards, traffic regulations, day-to-day operation, liability insurance, all kinds of things we do to protect both EPA employees and contractors [who] work with us," she said.

The real issue not addressed in Stringer's letter is that Grace doesn't want to pay the cost of insuring workers while the cleanup takes place.

Thomi, however, did address it.

"At superfund sites across the country this issue hasn't come up. It hasn't been an issue before and EPA's position ... is that since EPA is doing this cleanup because of material that Grace left behind, EPA views the costs that are associated with worker safety to be part and parcel of the cleanup costs and therefor, yes, they are Grace's responsibility," Thomi said.

Stringer makes one point in his letter that does not accurately reflect Grace's control of asbestos-contaminated properties near the Kootenai River. He writes: "Grace has no control over the screening plant; in fact, Grace is barred from entering the property."

Grace does however own properties nex to the screening plant and Thomi clarified it in her response.

"With regard to Mr. Stringer saying that Grace has no control over the screening plant, there are three [Grace-owned] properties by the river adjacent to the screening plant that need cleanup. These are controlled by Grace and Grace has denied us access to them," Thomi said.

"Oct. 18 is the date that Paul [Peronard] is looking at for delaying the cleanup on those properties. ... If we don't have access to them by then, the cleanup will wait until next year," Thomi said.

Despite the halt to the cleanup that has been imposed by Grace, Stringer insists that the company wants to cooperate.

"We have tried to negotiate these issues with EPA, but failed. We are open to restarting negotiations, and prefer that course, but are prepared to meet the EPA in court if we must," Stringer wrote.

But Grace's alleged willingness to cooperate has not yet translated itself into meaningful action and the cleanup will probably be delayed well into next year.

"With regard to 'trying to negotiate with EPA', as Mr. Stringer points out in the letter ... Grace was offered the opportunity to view both the cleanups at the export plant [in town] and the screening plant [Raintree Nursery] voluntarily under a consent order, and they refused to do both of those cleanups. So then EPA was forced to issue a unilateral order for [Grace] at the export plant and the Parkers [owners of Raintree Nursery] refused access to Grace and EPA took on the cleanup at [Raintree Nursery]," Thomi said.

"... They have volunteered many times in the newspapers, but when it comes down to actually doing the work and making the agreements, EPA has not been able to accept the conditions that Grace has placed on their doing the work," Thomi said.

In this latest exchange Grace fails to mention that it would have no liability for workers or chemical contamination at the mine site if it hadn't recently bought a controlling interest in Kootenai Development Corp., which is the legal owner of the properties.

Meanwhile, cleanup at the Raintree Nursery site is continuing, although the asbestos-contaminated soil

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cannot be removed.

"With regards to the cleanup, minor amounts of excavation are left to do at the screening plant," Thomi said. "Oct. 1 ... is the deadline [EPA is] looking at for taking the stockpiled soil [contaminated with asbestos] up to the mine site, if we don't have access from Grace," she said.

From 1963 to 1990, Grace operated a vermiculite mine near Libby in which deadly tremolite asbestos was a major waste by-product. Grace operated the mine while knowing about the asbestos danger and took no meaningful steps to warn workers or residents. As a result, at least 88 workers died and at least 300 people are currently diagnosed with terminal asbestos-related illnesses. Persons diagnosed include former workers, their family members, and even people who had no connection to the mine other than to live in Libby.

Grace jumps the gun on air quality reports

Company issues "enthusiastic" press release about asbestos danger

By David F. Latham, editor of The Montanian

The U.S. Environmental Protection Agency is still in the process of determining if Libby and Troy residents are being exposed to dangerous indoor levels of asbestos from vermiculite insulation, contrary to a press release issued Sept. 26 by W.R. Grace & Co.

EPA does say, however, that the outside air around Libby appears to be free of the toxic mineral, although the agency disagrees with Grace on the dangers of short-term versus long-term exposure. "There may be some confusion about that," said Wendy Thomi, EPA's community involvement coordinator, at the Sept. 28 meeting of the Community Advisory Group.

"I know Grace sent out a press release and we got all kinds of calls about what they had said and so I just wanted to clarify a couple of things about ambient air and indoor air," Thomi said.

Grace issued a press release from its headquarters in Columbia, Md., with the headline, "Grace is pleased with latest Libby, Mont., testing results EPA says air monitoring shows no problem with Libby's air quality."

Grace Vice President of Public and Regulatory Affairs Bill Corcoran made two statements in the Grace press release that are not supported by current research.

First, he said, "... asbestos must be inhaled in large quantities over a long period to be dangerous."

He also said, "we are pleased with the results to date of the in-home testing, which shows that the air in Libby homes is no different from the air in homes throughout the country."

EPA disagrees in both cases.

"We support recent statements by the Public Health Service assistant surgeon general expressing concern for even short-term exposure to [tremolite asbestos fibers]. There is concern, which is why [EPA is] putting this much effort into figuring it out. And I say that because of the quote [by Corcoran] that only long-term exposure in very large amounts is dangerous," Thomi said.

Confusion exists because of how Grace chose to interpret a presentation by EPA's on-site coordinator Paul Peronard at the Asbestos and Public Health Conference in Libby Sept. 22-24.

"[Peronard] talked about ... the five ambient air monitors that we have around town. ... He mentioned that they hadn't found any asbestos fibers in the testing they had done on those type monitors," Thomi said.

Those five locations are at the fitness center, McGrade and Plummer schools, City Hall and Jerry Dean Park.

"[EPA is] still monitoring the perimeter of the cleanup sites," she said.

Those sites are at the Millwork West site next to the baseball fields downtown, and on Hwy. 37 at the Raintree Nursery site.

"Perimeter samples [of asbestos] have not been detected any higher than pre-cleanup levels," Thomi said. "They did find asbestos in the air before the cleanup started but they haven't found anything higher. They've been putting out calcium chloride and water [to reduce dust] and apparently it's effective. ... Because there was some concern in the community that they were potentially exposing community members by doing the cleanup," Thomi said.

"As a matter of fact, [Peronard] said [asbestos fiber] levels [in the air] are lower than when we started work, and to reassure you that residents are not being exposed on account of this cleanup."

Thomi also said that -- contrary to the Grace press release -- EPA is still uncertain about the safety of indoor air in buildings and homes with vermiculite insulation.

"With the indoor air, EPA is still doing its residential exposure assessment ... [and] we haven't really

drawn any conclusions and we're still in that uncomfortable spot of saying 'we don't know' to the constant question of 'is my home safe?' Neither do we want to say 'yes, it is safe' nor do we want to say 'no, everybody should be very alarmed if they have vermiculite in the house,'" she said.

Thomi said EPA is working to overcome this uncertainty as quickly as possible.

"That's the whole point of doing the risk assessment the way they are trying to get it done and doing the new analytical method, the SEM [scanning electron microscope] to be able to say with more confidence what is in people's homes," Thomi said.

Libby City Council member and CAG member George Bauer asked Thomi when the risk assessment will be completed.

"The last time I talked to [EPA toxicologist Dr.] Chris Weis, he said hopefully the new analytical method would be approved by the end of October and I think they were looking at mid-November for getting the peer review together," Thomi said. "It's a public process. It's external folks [people outside the EPA] as well as EPA and a lot of technical people looking at the risk-assessment methods."

Thomi promised to bring more information about the subject to the next CAG meeting.

"I can check again and at the next CAG meeting [Oct. 12] we can see if we have any further update or delay," Thomi said.

From 1963 to 1990, Grace operated a vermiculite mine near Libby in which deadly tremolite asbestos was a significant waste by-product.

Civil court depositions made in 1996 by former mine manager Earl Lovick show that Grace operated the mine while knowing about the asbestos danger and took no meaningful steps to warn workers or residents. As a result, at least 88 workers died and at least 300 people are currently diag-nosed with terminal asbestos-related illnesses. Persons diagnosed include former workers, their family members, and even people who had no connection to the mine other than to live in Libby.

A former financial analyst for Grace said in an interview last week with The Montanian that company executives knew workers would die and decided in corporate planning sessions to set aside hundreds of millions of dollars as early as 1982 to pay off their survivors as civil lawsuits were filed.

Grace's representative in Libby, Alan Stringer, confirms in a letter to The Montanian this week that such planning sessions took place "every year."

The number of persons diag-nosed with terminal asbestos-related diseases is expected to rise when the results of a town-wide screening are made available.